



Main Office  
613 Abbott Street  
Detroit, MI 48226  
313.967.5555 ph  
313.962.0747 fx

Client Service Center  
1240 Third Street  
Detroit, MI 48226  
313.967.5800 ph

Providing High Quality Legal Services to Disadvantaged Residents of Metro Detroit Since 1909.

Delandre L. Weir  
*President & CEO*

Miriam L. Siefer  
*Executive Vice President &  
Chief Defender  
Federal Defender Office*

Joan Glenton Howard  
*Chief Counsel  
Civil Law Group*

Regina Daniels Thomas  
*Chief Counsel  
Juvenile Law Group*

Donald L. Johnson  
*Chief Defender  
State Defender Office*

June 19, 2009

House Judiciary Committee  
Representative Mark Meadow, Chair

Re: HB 4314 Juvenile; criminal procedure; appointment of attorney to represent juvenile in certain proceedings; require.

It is my pleasure to appear on behalf of Legal Aid and Defender Association, Inc. as Chief Counsel for the Juvenile Law Group and I appreciate the opportunity to speak to you regarding issues which effect what I believe to be one of the most vulnerable populations in our society, children. Legal Aid and Defender Association has provided legal representation for children involved in the Juvenile Justice System in Wayne County for nearly 30 years. I believe adequate representation for children involved in the Juvenile Justice System leads to better outcomes for children and benefits society as a whole by assisting children to become productive members of society.

I am supporting amendments to HB 4314 in two regards. The first is on page 1, end of Line 8 insert "unless private counsel has been retained" and the second is on page 2, at the end of Line 17 insert "after consultation with an attorney."

Because the infringement on the liberty of children in most cases is greater than that which an adult would face, I believe the court must be required to appoint counsel where one has not been retained. Children could potentially be involved in the Juvenile Justice System for years on an offense which would yield an adult probation, a fine, or very little, if any, jail time.

As is relates to waiver of counsel, I believe waiver of counsel should only be allowed after consultation with an attorney for several reasons. The Supreme Court recognized in the case of *In Re Gault* that the representation of children is a specialized practice and requires an attorney that possesses the training and expertise to identify issues which are specific to children and their development. Most of the children involved in the juvenile justice systems come from environments where there may be substance abuse, mental health issues, domestic violence as well as other forms of abuse and/or neglect. The parents, while they may believe they have their children's best interest at heart, are not really in a position to evaluation a case to determine what the direct as well as collateral consequences would be to their child.

These consequences could include placement in a residential treatment facility, sex offender registry, difficulties with immigration status, problems with public housing and the eventual inability to obtain gainful employment if employers are considering their juvenile record.

I have personally observed parents want to decline counsel on behalf of their children for the sole reason that the court may seek reimbursement from the parent for assigned counsel. It would seem in these instances that the parents desire to limit their financial obligation would be in direct conflict with the child's need to have his constitutional rights advanced in our adversarial system of justice. The best case scenario would be to not allow waiver at all due the incapacity of children as minors but if a waiver is accepted it should only be done after consultation with a lawyer trained in the specialized practice of juvenile representation.

Again, I appreciate the opportunity to provide comments on this very important issue

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Regina Daniels Thomas', written over a circular stamp or seal.

Regina Daniels Thomas  
Chief Counsel-Juvenile Law Group  
Legal Aid and Defender Association, Inc  
Direct dial: 313-967-5043  
[rthomas@ladadetroit.org](mailto:rthomas@ladadetroit.org)